

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA and the)
STATE OF TENNESSEE ex rel.,)
KAREN J. HOBBS,)

CASE NO. 3:06-01169
JUDGE HAYNES

Plaintiffs,)

v.)

MEDQUEST ASSOCIATES, INC.,)
BIOIMAGING AT CHARLOTTE, INC.,)
BIOIMAGING OF COOLSPRINGS, INC.,)
and BIOIMAGING AT HARDING, INC.,)
now known as BIOIMAGING AT)
EDMONDSON,)


Defendants.)

O R D E R

In accordance with the Memorandum filed herewith, United States's motion for summary judgment on its False Claims Act claims (Docket Entry No. 127) is **GRANTED**; the Defendants' motion for summary judgment on Relator's retaliation claim (Docket Entry No. 128) is **GRANTED**; Defendants' motion to dismiss Relator's amended complaint ;(Docket Entry No. 148)is **GRANTED** on Relator's retaliation claim, but is otherwise **DENIED**; and the Defendants' motion for summary judgment on the United States's False Claims Act claims (Docket Entry No. 149) is **DENIED**. The United States's common law claims are **DISMISSED without prejudice** as moot. The award of damages is **RESERVED** pending the parties' report on the actual number of billings for the Charlotte center for the seventeen month period given the thirty day notice of change of ownership in 42 C.F.R. § 410.33(g)(2).

It is so **ORDERED**.

ENTERED this the 23rd day of August, 2011.



WILLIAM J. HAYNES, JR.
United States District Judge